

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO: 5:15-CV-259-BR

This matter is before the court on the 17 February 2016 Memorandum and Recommendation (“M&R”) of U.S. Magistrate Judge James E. Gates. (DE # 150.) In the M&R, Judge Gates concluded that plaintiff’s complaint is patently frivolous, and accordingly, he recommends that plaintiff’s complaint be dismissed and his pending remaining motions be denied as moot. (*Id.* at 6.) Judge Gates also recommends, based on plaintiff’s continued filing of meritless litigation, that plaintiff be directed to show cause why a pre-filing injunction should not be entered against him. (*Id.* at 8.)

Since the entry of the M&R, plaintiff has filed a number of motions and a notice. The court construes these documents as objections to the M&R and, as such, has conducted a *de novo* review of the M&R.¹ See 28 U.S.C. § 636(b)(1). The court agrees with Judge Gates' findings and conclusions. Plaintiff's objections to the M&R are OVERRULED, and the court ADOPTS the M&R as its own.

¹ In some of the documents plaintiff filed he refers to the bias and prejudice of the undersigned. To the extent such documents could be construed as motions to recuse, such motions are DENIED because there is no basis for recusal. The undersigned does not know plaintiff, is not related to him, has not previously presided over any case in which plaintiff was a party, and has not even entered any prior orders in this action.

It is therefore ORDERED that plaintiff's complaint is DISMISSED WITH PREJUDICE, and all pending motions are DENIED. Within 20 days of the date of this order, plaintiff is DIRECTED to show cause why a pre-filing injunction should not be entered against him. Plaintiff is advised that with the pre-filing injunction, the court intends to enjoin plaintiff from (1) filing any additional documents in this action other than a notice of appeal and an application for leave to proceed *in forma pauperis* on appeal and (2) instituting any new civil case in this court without first obtaining leave of court.

This 7 March 2016.



W. Earl Britt
Senior U.S. District Judge